

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

IN THE HAMILTON SUPERIOR COURT

CAUSE NO. 29 D 03 0707 PL 782

STATE OF INDIANA,)

Plaintiff,)

v.)

ELLA ELAINE NETOLICKY,)
individually and formerly doing)
business as COMPLETE)
INTERIOR DESIGN SERVICE,)
DESIGNS WITHIN REACH, and)
INTERIORS BY DESIGN,)

Defendant.)

FILED

AUG 14 2007

Sherry Burt
CLERK OF THE
HAMILTON SUPERIOR COURT

FILED
8/18
CM

CONSENT JUDGMENT

The Plaintiff, State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Matt Light, and the Defendant, Ella Elaine Netolicky, individually and formerly doing business as Complete Interior Design Service, Designs Within Reach, and Interiors by Design, through her court appointed guardian, Robert W. Netolicky, by counsel, hereby agree to entry of a Consent Judgment without trial or adjudication of any issue of fact or law herein.

The parties believe it is in their best interest to resolve the issues raised by the State of Indiana and avoid further litigation. This Consent Judgment does not constitute an admission by the Defendant, nor by her court-appointed guardian, of any wrongdoing, nor shall it be construed as abandonment by the Attorney General of his position that the Defendant violated Indiana's Deceptive Consumer Sales Act, but that this Consent Judgment is made and accepted in full accord and satisfaction of, and in compromise of, certain disputed claims, and for the purpose of terminating the disputes, and the related litigation between the parties. The parties consent to

entry of a final judgment in this proceeding by the Court and accept this Consent Judgment as final on the issues resolved herein.

JURISDICTION, SCOPE OF JUDGMENT, AND ACKNOWLEDGMENTS

1. This Court has jurisdiction and venue over the subject matter of this action and the parties hereto.

2. The State of Indiana's Complaint for Injunction, Restitution, Costs, and Civil Penalties, states a cause of action pursuant to the Indiana Deceptive Consumer Sales Act, Indiana Code § 24-5-0.5-1, *et seq.*

3. The Defendant, Ella Elaine Netolicky, is an individual who, at all relevant times, engaged in the sale of household goods, appliances, furniture, consumer electronics, automobiles, interior design services, and other items with a principal place of business in Hamilton County, located at 12123 Windpointe Pass, Carmel, Indiana 46033.

4. The Defendant acknowledges she has been advised the Attorney General's role in this matter is to serve as counsel for the State of Indiana and the Office of the Attorney General has not given the Defendant any legal advice regarding this matter.

RELIEF ORDERED

5. The Defendant is permanently enjoined from engaging in the following acts and making, causing to be made, or permitting to be made the following representations:

- a. representing, expressly or by implication, the subject of a consumer transaction has sponsorship, approval, characteristics, accessories, uses, or benefits it does not have which the Defendant knows or reasonably should know it does not have;

- b. representing, expressly or by implication, that a specific price advantage exists as to the subject of a consumer transaction, if the representation is false and the Defendant knows or reasonably should know the representation is false;
- c. representing, expressly or by implication, that the Defendant is able to deliver or complete the subject of a consumer transaction within a stated period of time or within a reasonable period of time, when the Defendant knows or reasonably should know that the transaction cannot be so completed; and
- d. engaging in the sale of goods and services until the monetary provisions of this judgment are fully satisfied.

6. The Defendant's alleged contracts with consumers Xuejun Gu and Bryan Harmon, Xiang Yang Lin, Thomas Wozniak and Kristi Wozniak (collectively referred to as "Wozniak"), Craig Smythe, Xiadong Peng and Ping Wang, Keyun Qing, Jia Du, Chenzhong Kuang, Ting Gui Yin, and Patty Henrichs, are deemed void pursuant to Ind. Code § 24-5-0.5-4(d).

7. Pursuant to Ind. Code § 24-5-0.5-4(c)(2), the Defendant shall pay consumer restitution in the total amount of Sixty-One Thousand, Three Hundred Thirty-Four Dollars and Thirty-Nine Cents (\$61,334.39) to the Office of the Attorney General, for distribution to the following consumers in the following amounts:

- a. Xuejun Gu and Bryan Harmon of Carmel, Indiana \$ 12,512.70;
- b. Xiang Yang Lin of Muncie, Indiana \$ 8,764.41;
- c. Wozniak of Carmel, Indiana \$ 16,028.00;
- d. Craig Smythe of Carmel, Indiana \$ 1,250.00;
- e. Xiadong Peng and Ping Wang of Westfield, Indiana \$ 7,315.00;
- f. Ke Yun Qing of Carmel, Indiana \$ 880.82;

g.	Jia Du of Carmel, Indiana	\$ 3,999.95;
h.	Chenzong Kuang of Carmel, Indiana	\$ 1,193.00;
i.	Ting Gui Yin of Carmel, Indiana	\$ 2,651.37; and
j.	Patty Henrichs of Indianapolis, Indiana	\$ 6,739.14
TOTAL		\$ 61,334.39

8. The parties hereto acknowledge that certain of the above-referenced consumers have commenced civil litigation matters against the Defendant as set forth below, and that judgments have been rendered with regard to several of these matters. The parties understand and agree that this Consent Judgment shall not be construed to provide a basis for additional recovery of alleged monetary losses by said consumers. To the extent that any of said consumers receive compensation from any other sources for said losses, the consumer restitution set forth in paragraph 7 above shall be reduced accordingly.

9. The Defendant shall pay the Office of the Attorney General, pursuant to Ind. Code § 24-5-0.5-4(c)(3), the amount of Three Thousand Hundred Dollars (\$3,000.00) on or before December 31, 2007, representing the Plaintiff's costs of investigating the subject consumer allegations.

10. The Defendant shall pay the Office of the Attorney General the amount of Twenty Thousand Dollars (\$20,000.00), representing civil penalties for the Defendant's alleged violations of the Deceptive Consumer Sales Act.

11. A total monetary judgment in the amount of Eighty-Four Thousand, Three Hundred Thirty-Four Dollars and Thirty-Nine Cents (\$84,334.39) shall therefore be entered in favor of the Plaintiff, State of Indiana, and against the Defendant, Ella Elaine Netolicky, individually and formerly doing business as Complete Interior Design Service, Designs Within Reach, and Interiors by Design.

12. The Defendant shall cooperate with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives. This shall include, but is not limited to, the Defendant promptly resolving valid consumer complaints brought to the Defendant's attention by the Office of the Attorney General after the filing of this Consent Judgment with the Court.

13. It is further understood and agreed that this Consent Judgment is the result of a negotiated settlement and may not be construed as having been prepared by any one (1) party.

CONTINUING JURISDICTION

14. For the purpose of enforcing the provisions of this Consent Judgment, this Court shall retain jurisdiction over the Defendant based upon a complaint alleging a violation of any law that is the subject of this Consent Judgment, and may take judicial notice of this Judgment and is deemed to be a proper venue for interpretation and enforcement of this agreement.

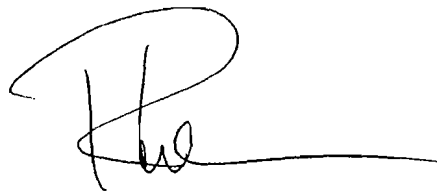
IN WITNESS WHEREOF, the parties have executed this Consent Judgment this

3rd day of July, 2007.

STEVE CARTER
Indiana Attorney General
Attorney no. 4150-64

By:

Matt Light
Matt Light
Deputy Attorney General
Attorney No. 25680-53



ELLA ELAINE NETOLICKY,
individually and formerly doing business as
COMPLETE INTERIOR DESIGN
SERVICE, DESIGNS WITHIN REACH, and
INTERIORS BY DESIGN,
by Robert W. Netolicky, Guardian

ALL OF WHICH IS APPROVED, ORDERED, ADJUDGED AND DECREED

this 14 day of Aug, 2007.

RECOMMENDED FOR APPROVAL:

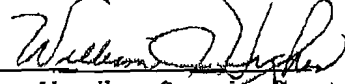


Distribution: Magistrate

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302 West Washington Street, IGCS 5th Floor
Indianapolis, IN 46204

Edward L. Harris
ABBOTT HARRIS & PERRELLI
8625 East 116th Street
Fishers, Indiana 46038-1560

APPROVED


Judge, Hamilton Superior Court
JUDGE

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